

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DAVID LEVOYD REED,

Plaintiff(s),

V.

JAMES DZUREND, et al.,

Defendant(s).

Case No.: 2:19-cv-00172-APG-NJK

## ORDER

(Docket Nos. 12, 13)

Pending before the Court are Plaintiff's motion for leave to file a motion for limited  
very for purpose of early mediation and motion for extension of motion to compel limited  
very.<sup>1</sup> Docket Nos. 12, 13. The Court has considered Plaintiff's motions, Defendants'  
responses, Plaintiff's reply, and Plaintiff's notice. Docket Nos. 12, 13, 17, 18, 19, 20. The  
responses are properly resolved without a hearing. *See* Local Rule 78-1.

Plaintiff moves the Court to order Defendants to give Plaintiff a “roster of the Nevada Department] of Corrections transportation correctional officers for the dates of December 6, and December 7, 2017” and “[p]ictures of [the] employees [on the roster]” to “help identify defendant ‘C/O Nelson’ for proper service[.]” Docket No. 13 at 2. Defendants have since identified that defendant as Ted Nelson and have filed a notice of acceptance of service on his behalf for the purpose of settlement discussions. Docket No. 18 at 3; *see also* Docket No. 16.

<sup>1</sup> Both motions fail to contain points and authorities and Plaintiff fails, in his motion to compel, to certify that a proper meet and confer occurred. Nonetheless, the Court considers the motions on their merits as requests for discovery to identify a named defendant.

In reply, Plaintiff asks the Court, for the first time, to order Defendants to provide Plaintiff the above-mentioned roster and pictures to help “reveal the true identity of Defendant John Doe ‘K.’” Docket No. 19 at 3. This argument is procedurally improper because “[a] party is generally prohibited from raising new issues for the first time in its reply,” as the opposing party is not afforded an opportunity to respond. *Santos v. Baca*, 2015 WL 6956643, at \*3 (D. Nev. Nov. 10, 2015) (citations omitted).

Accordingly, as the issue raised by Plaintiff no longer exists and discovery into that defendant's identity is no longer necessary, the Court **DENIES** Plaintiff's motions as moot. Docket Nos. 12, 13.

IT IS SO ORDERED.

Dated: February 6, 2020

Nancy J. Koppe  
United States Magistrate Judge